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20 **FOR THE COUNTY OF LOS ANGELES**
21 **CENTRAL DISTRICT**

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CASE NO. BC 268 882
THIRD AMENDED COMPLAINT
[CLASS ACTION]

1 BORETZ, RICHARD D. BOYLE, STEVE
ALLISON BRASFIELD, JASON BRETT,
2 ETHEL M. BREZ, MELVIN BREZ,
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ARLAN GUTENBERG, ELLEN
16 GUYLAS, DEBORAH HABER, PHIL
HAHN, RALPH S. HART, REX HAUKE,
17 KEN HECHT, BRUCE HOWARD,
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22 NORMAN LAPIDUS, HAPPY JAMES
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27 MILLIGAN, ROBERT L. MILLS,
LARRY MINTZ, GORDON MITCHELL,
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1 JAY MORIARTY, THAD MUMFORD,
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23 TUBER, ROGERS TURRENTINE,
24 ROBERT URSUL, NORMAN
25 THADDEUS VANE, MICHAEL
26 WALKER, EARL W. WALLACE,
27 CLYDE WARE, ROBERT A.
28 WEVERKA, SHELDON M. WILLENS,
JERRY WINNICK, JACK WINTER,
ROLAND H. WOLPERT, TRACY
KEENAN WYNN, GEORGE YANOK
and STEVE YOUNG,

Plaintiffs,

vs.

VIACOM INC. and CBS
BROADCASTING, INC.,

Defendants.

1 Plaintiffs bring this action as a representative and class action on behalf of themselves,
2 the general public, and all similarly situated television writers who are members of the Writers
3 Guild of America (“WGA”) and are 45 years of age and above, alleging as follows:

4 **Introduction**

5 1. This action arises out of defendants’ ageist hiring practices with respect to
6 television writing opportunities in violation of the Fair Employment and Housing Act (“FEHA”),
7 Cal. Gov’t Code § 12920 *et seq.*, and the Unfair Competition Law (“UCL”), Cal. Bus. & Prof.
8 Code § 17200 *et seq.* On September 14, 2004, the Court of Appeal issued a decision in this case
9 in which it: (a) reversed the Superior Court’s order sustaining defendants’ demurrer to the First
10 Amended Complaint, thereby, reinstating plaintiffs’ class-wide claims of employment
11 discrimination under FEHA; and (b) affirmed the Superior Court’s order sustaining defendants’
12 demurrers as to plaintiffs’ UCL class claims insofar as they sought monetary relief, while
13 upholding plaintiffs’ right to seek prospective injunctive relief under the UCL. Plaintiffs are
14 hereby filing this Third Amended Complaint in order to consolidate all of their claims in a single
15 complaint in a manner that conforms with the Court of Appeal’s order.

16 **Parties**

17 Plaintiffs

18 2. Plaintiffs are one hundred sixty-seven (167) members of the Writers Guild of
19 America (“WGA”). Each is forty years of age or older, has previous television writing credits, is
20 qualified to write for television, and currently desires television writing employment with
21 defendants and with the Named Studios listed in paragraph 19 below.

22 3. As indicated by the asterisks below, certain of the plaintiffs “applied” for
23 television writing opportunities with defendants at one or more times while they were over age
24 forty, but were rejected as a result of their age, and all plaintiffs have been and continue to be
25 deterred from “applying” for television writing opportunities with defendants. They reasonably
26 believe that it would be a futile gesture to do so because: (a) they have been unable to obtain a
27 talent agency referral to CBS because of their age, and are aware of CBS’s policy of refusing to
28 accept scripts not submitted by an agency; and/or (b) they and/or their agents are aware of facts

1 and circumstances some of which are described below establishing defendants' well-deserved
2 reputation for ageist hiring practices with respect to television writing opportunities. The
3 plaintiffs are:

5	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
6	Richard Ades*	Maryland	7/24/1952
7	Cecile Alch	California	Before 1958
8	Karl Alexander*	California	8/23/1942
9	Nancy Alvarez	Washington	2/26/1944
10	Christopher Ames*	California	3/10/1950
11	Adrienne Armstrong	California	8/18/1940
12	John B. Aylesworth	California	8/18/1928
13	Robert Guy Barrows	Colorado	2/9/1926
14	William Bast	California	4/3/1931
15	William Bayer	California	2/20/1939
16	Maria Cristina Beato-Lanz	California	6/12/1951
17	Anne Beatts*	California	2/25/1947
18	Harriet Belkin	California	5/16/1931
19	Norman Belkin	California	11/1/1924
20	John Bensink	Pennsylvania	8/7/1948
21	Robert S. BiHeller	Washington	5/28/1938
22	John D.F. Black*	California	12/30/1932
23	Barry Blitzer	California	4/21/1929
24	John Boni	Canada	5/25/1953
25	Alvin Boretz	New York	6/15/1919
26	Richard D. Boyle	California	3/26/1942
27	Steve Allison Brasfield	California	8/24/1953

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Jason Brett*	Illinois	5/25/1953
3	Ethel M. Brez*	New York	8/12/1937
4	Melvin Brez*	New York	9/19/1936
5	Larry Brody*	California	12/5/1944
6	Hindi Brooks	California	Before 1960
7	David Brown*	California	1/18/1947
8	Craig Buck	California	5/16/1952
9	Timothy Burns	California	2/25/1943
10	Doran William Cannon	California	2/11/1937
11	James W. Carlson	Colorado	8/29/1932
12	Patricia Joyce Carter	California	11/22/1949
13	Roxanne Lucier Checkor	California	9/10/1942
14	Randy B. Christopher	California	7/22/1960
15	Calvin Clements, Jr.	California	12/27/1941
16	Jeff Cohn*	California	2/9/1940
17	Wanda Coleman	California	11/13/1946
18	Oliver Crawford	California	8/12/1917
19	Robert Lyons Dames	California	6/13/1944
20	Elias Davis	California	6/9/1941
21	Jeanne Carolyn Davis	California	6/12/1950
22	Mary E. Davis	California	1957
23	Lavina Dawson	California	8/11/1937
24	Paula Deats*	California	4/7/1949
25	Denise DeClue	Michigan	12/16/1948
26	Harriet A. Dickey	California	5/8/1959
27	Dan DiStefano	California	7/13/1947
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Anita Doohan	California	11/4/1941
3	Pamela Douglas	California	2/11/1944
4	George Eckstein	California	5/3/1928
5	Paul Edwards	Montana	9/6/1939
6	Tom Edwards	Georgia	3/24/1950
7	Arthur Eisenson	California	7/20/1942
8	Paul C. Elliott	California	11/21/1941
9	Irving Elman*	California	6/28/1915
10	Louis J. Eppolito	Nevada	7/22/1948
11	Jeffrey Ferro*	California	11/11/1952
12	Terry Louise Fisher*	California	2/21/1946
13	Laurie Frank	California	Before 1960
14	Ron Friedman*	California	8/1/1932
15	Henry P. Garson	California	3/21/1912
16	Stephen Geller	Rhode Island	8/31/1940
17	Mitchell A. Giannunzio*	California	9/20/1954
18	Eric K. Goodman*	Ohio	5/29/1953
19	Michael P. Grace	California	7/4/1940
20	Steven S. Greene	California	5/18/1946
21	Larry Grusin	California	7/29/1942
22	Arlan Gutenberg*	Arizona	1/10/1948
23	Ellen Gulyas	California	7/28/1949
24	Deborah Haber	New York	Before 1958
25	Phil Hahn	Oregon	8/21/1932
26	Ralph S. Hart	California	3/29/1928
27	Rex Hauck	Georgia	3/29/1951
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Ken Hecht*	California	4/4/1947
3	Bruce Howard	California	6/6/1925
4	Trustin Howard	California	Before 1960
5	John N. Huff	California	1/20/1946
6	Jerry L. Jacobius	California	8/27/1947
7	Jack Jacobs	California	11/17/1919
8	Michael Janover	Colorado	4/7/1946
9	Patricia Jones	California	10/22/1946
10	Michael H. Kagan*	California	4/28/1944
11	Austin Kalish	California	2/3/1921
12	Stephen B. Katz	Texas	7/4/1946
13	Dawna Kaufmann	California	5/2/1951
14	Robert Kay	California	3/6/1945
15	David J. Kinghorn	California	9/30/1944
16	Josi W. Konski	California	4/28/1945
17	Rita Lakin	California	1/24/1930
18	Bill LaMond	California	5/14/1934
19	Jo LaMond	California	6/22/1940
20	Ted Lang	California	6/4/1944
21	L. Lee Lapidus	California	6/9/1953
22	Norman Lapidus	California	1/3/1953
23	Happy James Lawrence	North Carolina	8/25/1944
24	Allan Leicht*	New York	1/27/1942
25	Kathleen Klein LeStrange	Texas	9/12/1946
26	Molly Levy*	New York	10/14/1952
27	David Lumsden	Washington	5/12/1945
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Bernard Mack	California	2/16/1947
3	Robert L. Madden	California	4/13/1947
4	Rudy Makoul	California	7/2/1920
5	Ann Marcus	California	8/22/1921
6	Leah Markus	California	1/02/1945
7	Robert L. McCullough	California	7/23/1945
8	Jack Mendelsohn	California	11/8/1926
9	Michael J. Metzger	California	10/18/1939
10	Howard Meyers*	California	1/3/1946
11	Mark Miller	California	11/3/1952
12	Michael Milligan	California	1/28/1947
13	Robert L. Mills	California	5/15/1937
14	Larry Mintz*	California	2/9/1950
15	Gordon Mitchell	California	2/22/1932
16	Jay Moriarty*	California	1/1/1946
17	Thad Mumford	California	2/8/1951
18	Ron Neal	California	12/22/1936
19	William J. Nelson*	California	8/19/1956
20	Lan O'Kun	California	1/13/1932
21	Joanne M. Pagliaro	California	7/8/1950
22	Adrienne Parks*	California	4/8/1948
23	Frank Ray Perilli*	California	8/30/1925
24	Joyce Perry	California	6/11/1930
25	David M. Pollock*	California	7/2/1939
26	Abe Polsky	California	8/13/1935
27	Enid Powell	Illinois	11/24/1931
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Brad Radnitz	California	10/22/1930
3	Donald Reiker	California	7/13/1935
4	Michael Rhodes*	California	11/9/1935
5	Ronald Ribman	California	5/28/1932
6	Carol Roper*	California	9/9/1940
7	Richard Rossner	Arizona	11/24/1950
8	William James Royce*	California	12/16/1954
9	Albert Ruben*	New York	10/29/1925
10	Don Rubin	California	4/6/1945
11	Mann Rubin*	California	12/11/1926
12	Paul Savage	California	9/2/1925
13	Robert E. Schaefer	California	7/17/1926
14	Elroy Schwartz*	California	6/23/1923
15	John Herman Shaner	California	Before 1960
16	Stephen F. Sharon	California	6/2/1953
17	Bob Shayne	California	7/21/1940
18	Carolyn Shelby	California	6/17/1949
19	Robert Sherman*	California	1/9/1950
20	Gerald Siegel	Connecticut	2/12/1936
21	Hal Sitowitz	California	7/26/1933
22	Ruth Anson Sowby	California	10/11/1944
23	Deborah Spector	California	7/14/1950
24	Anthony Spinner	California	10/22/1930
25	William R. Stratton*	California	11/11/1930
26	Ronald A. Suppa	California	10/21/1948
27	James Trombetta	California	12/11/1946
28			

1	NAME	STATE/COUNTRY OF CITIZENSHIP	DATE OF BIRTH
2	Richard Joseph Tuber	California	11/4/1930
3	Rogers Turrentine	California	1/28/1939
4	Robert Ursul*	Ontario, Canada	10/23/1944
5	Norman Thaddeus Vane	California	7/7/1927
6	Michael Walker	California	2/2/1949
7	Earl W. Wallace	California	10/23/1942
8	Clyde Ware*	California	12/22/1930
9	Robert A. Weverka	California	11/17/1926
10	Sheldon M. Willens*	California	2/19/1938
11	Jerry Winnick	California	1937
12	Jack Winter	Maryland	12/4/1934
13	Roland H. Wolpert	California	12/30/1923
14	Tracy Keenan Wynn*	Colorado	2/28/1945
15	George Yanok	Tennessee	11/29/1938
16	Steve Young	California	1/22/1947

17

18 Defendants

19 4. Defendant Viacom Inc. ("Viacom") is a Delaware corporation with its principal
20 place of business in New York, New York. Viacom is a diversified entertainment company,
21 which, through its subsidiaries, affiliates and other related entities and by the use of trade or
22 other fictitious names and labels, conducts its operations in six business segments, including
23 television broadcast and entertainment.

24 5. Defendant CBS Broadcasting, Inc. ("CBS") including, but not limited to, CBS
25 Entertainment and CBS Productions, recently acquired by Viacom through its purchase of CBS
26 Corporation, is a New York corporation with its principal place of business in New York, New
27 York. CBS operates the CBS Television Network and has produced television programming for
28 broadcast on its network.

